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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,097	01/29/2004	Mario Mainetti		4602

7590 07/19/2007  
Francis C. Hand, Esq.  
c/o Carella, Byrne, Bain, Gilfillan,  
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5 Becker Farm Road  
Roseland, NJ 07068

EXAMINER
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DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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07/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/767,097	Applicant(s) MAINETTI, MARIO	
	Examiner Cassandra Davis	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 5 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 5,9-13,16-19,23,27 and 28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14,15,20-22,24-26,29-33 and 35 is/are allowed.
- 6) ☐ Claim(s) 1, 2, 3, 6, 7, 8, 34 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the Office action mailed March 9, 2007 is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

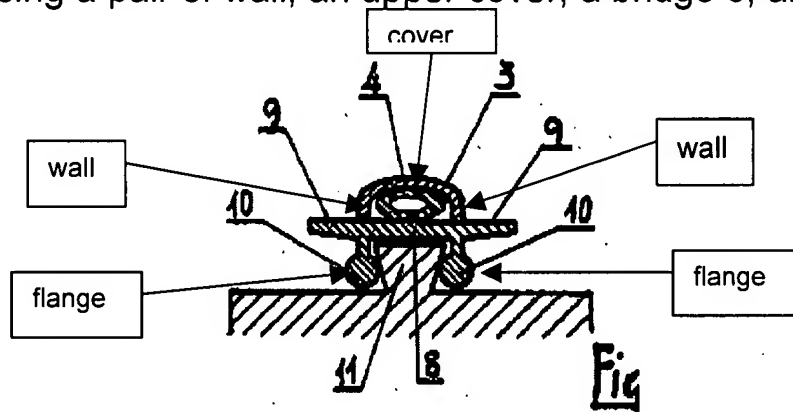
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucas, US 4363180. Lucas teaches a cable ferrule identification comprising a pair of spaced wall 39 and 40, a cover 37 connecting the wall at a top end thereof and a bridge 38 connected to and extending between the wall in spaced relation to the cover.

4. With respect to claim 2, the wall 39 and 40 are parallel to one another.

5. Claims 1, 2, 3 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Piana, US 4268986. Piana an identification device comprising a pair of wall, an upper cover, a bridge 8, and flanges 10.



6. Claims 1, 2, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Weston, US 3906957. Weston teaches forceps comprising a pair of spaced walls 1 and 2, a cover 3 connecting the wall at a top end thereof and a bridge 9 connected to and extending between the wall in spaced relation to the cover.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 7, and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas. Lucas does not teach indicia on each wall.

However it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the cable identification device taught by Lucas with indicia on each side wall to provide additional information concerning the cable.

9. Since the applicant does not disclose that the size and type of font solves any stated problem or is for any particular reason it appears that any suitable size and type of font would perform equally well.

***Allowable Subject Matter***

10. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 14, 15, 20, 21, 22, 24, 25, 26, 29, 30, 31-33 and 35 are allowed.

***Election/Restrictions***

12. Claims 5, 9-13, 16-19, 23, 27, and 28 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a

nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on July 27, 2005.


***Response to Arguments***

13. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
June 25, 2007